IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5616 of 2007()

CRIME NO.350/2007 OF THE AMBALAPUZHA POLICE STATION

APPLICANT/ACCUSED NO.3

CHELLAPPAN, S/O.KESAVAN,
KESHAVA BHAVANAM, KARUMADY P.O.,
ALAPUZHA DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

B.A.No.5616 of 2007

= = = = = = = = = = = = = =

Dated this the 19th day of September, 2007

ORDER

Application anticipatory bail. The petitioner is the 3rd accused. Altogether there are three accused persons. Accused No.1 and 2 are officer bearers of the S.N.D.P. Branch. The said S.N.D.P branch was allegedly conducting an Onam fund. They used to collect amounts from the subscribers. Since there is shortage of funds to repay the amounts to the subscribers, they allegedly approached the de facto complainant. They approached the de facto complainant through the petitioner. It is alleged that the petitioner had requested the de facto complainant and prevailed upon her to advance amounts to the S.N.D.P. Branch, of which A1 and A2 are the office bearers. A1 and A2 did not repay the amount within the stipulated time. A cheque issued by them for discharge of the liability was returned dishonoured. In these circumstances, the petitioner raised a grievance that Accused 1to 3 have committed the offence of cheating against her. It is with these allegations that the complaint has been filed. Crime was registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that even if the

entire allegations were accepted, the petitioner cannot be attributed with any implications of culpable liability. In these circumstances, the petitioner may be saved from the undeserved trauma of arrest and detention by issuing appropriate directions under Sec.438 Cr.P.C, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application and I am satisfied, in the facts and circumstances of the case which I have already referred to, that the petitioner can be granted anticipatory bail.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 26.09.2007.

ii) He shall be released on regular bail on condition that he execute a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer on 27.9.07 between 10 a.m and 3 p.m and thereafter the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 26.09.2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 26.09.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE